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10 **UNITED STATES BANKRUPTCY COURT**
DISTRICT OF NEVADA

11 In re:

12 USA COMMERCIAL MORTGAGE
 COMPANY,

13 USA CAPITAL REALTY ADVISORS,
 LLC,

14 USA CAPITAL DIVERSIFIED TRUST
 DEED FUND, LLC,

15 USA CAPITAL FIRST TRUST DEED
 FUND, LLC,

16 USA SECURITIES, LLC, Debtors.

17 **Affects:**

18 All Debtors
 USA Commercial Mortgage Company
 USA Capital Realty Advisors, LLC
 USA Capital Diversified Trust Deed Fund, LLC
 USA Capital First Trust Deed Fund, LLC
 USA Securities, LLC

19 Case No. BK-S-06-10725-LBR
 Case No. BK-S-06-10726-LBR
 Case No. BK-S-06-10727-LBR
 Case No. BK-S-06-10728-LBR
 Case No. BK-S-06-10729-LBR

20 **CHAPTER 11**

21 Jointly Administered Under Case No.
 BK-S-06-10725 LBR

22 **AMENDED MOTION FOR ORDER
 REQUIRING KUMMER
 KAEMPFER BONNER RENSHAW &
 FERRARIO, LTD. TO PRODUCE
 ONE OR MORE
 REPRESENTATIVES FOR
 EXAMINATION PURSUANT TO
 FEDERAL RULE OF BANKRUPTCY
 PROCEDURE 2004**

23 [No hearing required]

24 Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating
 25 Trust (the “Trust” or “Movant”) hereby moves this Court for an order requiring Kummer
 26 Kaempfer Bonner Renshaw & Ferrario, Ltd. (“KKBR&F”) to produce one or more
 representatives, as set forth in the subpoena to be issued under Federal Rule of Bankruptcy

1 Procedure 9016, to appear for examination at the office of Lewis and Roca, 3993 Howard
2 Hughes Parkway, Suite 600, Las Vegas, Nevada 89169, on a business day no earlier than
3 ten (10) business days after the filing of this Motion, or at such other mutually agreeable
4 location, date, and time, and continuing from day to day thereafter until completed.¹
5

6 This Motion is further explained in the following Memorandum.

7 **Memorandum**

8 The Movant seeks information concerning legal services performed by KKBR&F
9 on behalf of USACM, the other debtors in the above-captioned cases (together with
10 USACM, the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise
11 related entities. The Movant seeks this information to assist in the collection of the assets
12 and the investigation of the liabilities of the Debtors.

13 The requested discovery from KKBR&F is well within the scope of examination
14 permitted under Bankruptcy Rule 2004, which includes:

15 [t]he acts, conduct, or property or . . . the liabilities and financial condition
16 of the debtor, or . . . any matter which may affect the administration of the
17 debtor’s estate, or to the debtor’s right to a discharge. In a . . .
18 reorganization case under chapter 11 of the Code, . . . the examination may
19 also relate to the operation of any business and the desirability of its
20 continuance, the source of any money or property acquired or to be acquired
21 by the debtor for purposes of consummating a plan and the consideration

22 ¹ The Movant previously obtained an order from this Court requiring KKBR&F to produce
23 certain documents and one or more representatives for a Rule 2004 examination.
24 However, KKBR&F objected to the Rule 2004 subpoena on the grounds of various
25 privileges purportedly held by USA Investment Partners LLC and other debtor entities.
26 As a result, KKBR&F only recently produced documents in response to the subpoena once
the privilege issues were resolved, and KKBR&F has not appeared for a Rule 2004
examination. The Trust now files this Amended Motion because the time period for
taking the examination, as set forth in Court’s prior order, has expired.

1 given or offered therefore, and any other matter relevant to the case or to the
2 formulation of a plan.²

3 **Conclusion**

4 Accordingly, the Movant requests that this Court enter the form of order submitted
5 with this Motion.

6 Dated: November 2, 2007.

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² Fed R. Bankr. P. 2004(b).